

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2575 of 2007()

CC.809/04 OF Judicial Magistrate of the First Class, Tirur

PETITIONER: ACCUSED NO 1

BINOD, AGED 40 YEARS,
S/O. LATE K.P. ACHUTHANKUTTY @ MANI MENON
KUNJAKOD KALAM, THENKURISSI, PALAKKAD.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.2575 of 2007

Dated this the 10th day of August, 2007

O R D E R

The petitioner faces indictment in a prosecution, inter alia, under Section 498 A I.P.C. Final report was filed and cognizance was taken as early as in 2004. The matter is still pending. The petitioner had entered appearance and had been released on bail. But subsequently he did not appear before the learned Magistrate. Consequently coercive processes have been issued against the petitioner. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. His omission to appear earlier was not wilful or deliberate. He is willing to appear and apply for bail and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate.

I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

